

WHICH WOULD YOU CHOOSE TO SETTLE YOUR DISPUTE?

Litigation

v.

Collaboration

Operates by assigning blame or fault and relies on coercion to obtain results.	Relies on problem solving and informed agreements.
Creates an atmosphere of intimidation and fear.	Provides a safe environment for the exchange of ideas and possible solutions.
Filters communications and negotiations by going through parties/attorneys using the “he said, she said” method of relaying information.	Employs face to face meetings with all parties and attorneys hearing the same information at the same time with the ability to instantly correct any misunderstandings.
Subjects parties to cross examination, depositions, subpoenas, written discovery, and unwanted hearings.	Follows an agreed meeting agenda with no surprises, demands, or court appearances.
Takes expenses out of your control and gives the other side the option of forcing you to spend money for depositions, hearings, and unproductive discovery.	Allows the voluntary agreement of the parties to determine what documents and information are necessary to reach a resolution of the disputed matter.
Gives the Court control over the scheduling of the case.	Gives the parties control over scheduling of all meetings and deadlines.
Provides a public record of all court hearings.	Employs private and confidential meetings.
Forces the attorneys to prepare for trial from the moment the case begins– creating unnecessary expenses if the case settles.	Allows attorneys to focus 100% of their time and talent– as well as their client’s money– on discovering the optimum solution.
Requires each party to obtain at least one “hired gun” who must be willing to testify in support of that party’s claims in court if an expert is needed.	Provides for a jointly engaged objective expert who will never testify; thus, saving money as well as giving a greater selection of experts since some experts refuse cases which require a court appearance.
Promotes the abdication of responsibility for the resolution of the dispute by placing the task in the hands of the judge or jury.	Takes control of the dispute and actively seeks resolution providing a greater likelihood that the parties will be satisfied with the results.
Imposes no duty to correct misunderstandings or mistakes that a party may rely on to his/her detriment.	Requires the parties/attorneys to correct all misunderstandings and/or mistakes.
Requires no party to disclose any relevant facts, documents, or information unless specifically asked by another party.	Requires full disclosure of facts, documents, or other information which has any bearing on the resolution of the dispute.
Creates an imbalance of power when one party has greater financial resources than the other parties.	Levels the playing field by giving all parties control over the choice of experts and financial expenditures.